

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LAURA VAN THOLEN,)	
)	
Plaintiff,)	
v.)	Case No. 08 C 1082
)	
CUTTING EDGE MILLWORK, LLC)	Honorable Judge Gettleman
)	
Defendant.)	Magistrate Judge Schenkier
)	
)	<u>Jury Trial Demanded</u>

JOINT STATUS REPORT

A. Date and Time Set for Status

Initial Scheduling Conference has been set for Wednesday, August 27, 2008.

B. Attorneys of Record

Plaintiff

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Defendant

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C. Basis of Federal Jurisdiction

Plaintiff alleges this Court has jurisdiction pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 *et seq.* and 5 U.S.C. § 6381 *et seq.*, and the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.* Plaintiff alleges supplemental jurisdiction exists over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367(a).

D. Jury

Plaintiff has demanded a Jury Trial has been demanded on all Counts.

E. Nature of the claims asserted

Plaintiff alleges violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.* and the Pregnancy Discrimination Act amendment, 42 U.S.C. § 2000e(k), to Title VII, the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 *et seq.* and 5 U.S.C. § 6381 *et seq.*, the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.* ("ADA"). Plaintiff also includes a count for Intentional Infliction of Emotional Distress.

Plaintiff's allegations are based on Defendant's alleged unlawful termination of Plaintiff in retaliation for Plaintiff seeking medical leave time for infertility treatments.

F. Relief Sought

Plaintiff seeks the following:

- a. Damages sufficient to compensate Plaintiff for her injuries;
- b. Pre-judgment and post-judgment interest;

- c. Reasonable attorneys' fees;
- d. Cost of this action;
- e. Punitive damages; and
- f. Any and all such other relief as this Honorable Court may deem just and equitable.

G. Service of Process

Service has been completed on all known parties.

H. Principal Legal Issues

Whether Defendant's conduct constitutes discrimination on the basis of pregnancy in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.* and the Pregnancy Discrimination Act amendment, 42 U.S.C. § 2000e(k), to Title VII.

Whether Defendant's conduct constitutes discrimination on the basis of disability in violation of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.*

Whether Defendant's conduct constitutes retaliation on the basis of her taking medical leave in violation of the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 *et seq.* and 5 U.S.C. § 6381 *et. seq.*

Whether Defendant's conduct arises to the level of conduct necessary to meet the standard for Intentional Infliction of Emotional Distress. Whether Defendant's conduct was the direct and proximate cause of Plaintiff's alleged Emotional Distress.

I. Principal Factual Issues

Whether Plaintiff was and/or is infertile.

Whether Plaintiff requested intermittent leave for her alleged medical condition

Whether Plaintiff requested a reasonable accommodation for her alleged medical condition

Whether Defendant provided a reasonable accommodation to Plaintiff.

Whether Plaintiff was terminated by Defendant because of poor job performance or because of her infertility and request for medical leave.

Whether Defendant's conduct arises to the level of conduct necessary to meet the standard for Intentional Infliction of Emotional Distress. Whether Defendant's conduct was the direct and proximate cause of Plaintiff's alleged Emotional Distress.

J. Brief Description of Anticipated Motions

Neither Plaintiff nor Defendant anticipates filing any motions at this time.

K. Proposed Discovery Plan

a. Discovery Taken

No discovery has been conducted yet.

b. Rule 26(a) Disclosures

The parties will exchange Rule 26(a) Disclosures by September 12, 2008.

c. Remaining Discovery

The parties will conduct and complete discovery by February 27, 2009.

d. Schedule for Expert Designation and Discovery

Plaintiff shall disclose experts by April 3, 2009. Defendants shall disclose experts by May 1, 2009. All expert discovery shall be completed by June 5, 2009.

e. Proposed Discovery Cutoff

June 5, 2009.

L. Earliest Date Available for Trial and Probable Length

Parties would be available for Trial in this matter as early as September 2009 and reasonably believe that a trial would entail 2-3 days.

M. Settlement Discussion/Settlement Conference

The parties have engaged in settlement discussions to no avail. However, the parties agree that settlement discussions and possible settlement conference may be useful as additional discovery is conducted and the case proceeds.

N. Consent to Magistrate Judge

Plaintiff does not consent to trial before a Magistrate Judge.

Respectfully submitted,

/s/ Amy Galvin Grogan
Attorney for Defendant, Cutting Edge Millwork, Inc.

CERTIFICATE OF SERVICE

I, Amy Galvin Grogan, hereby certify that on August 25, 2008, the foregoing Joint Status Report was filed electronically with the Clerk of the Court using the ECF system. The documents are available for reviewing and downloading from the ECF system. I also certify that on the date below hard copies of the foregoing documents, courtesy copies of which have been sent to the chambers of The Honorable Judge Gettleman, and were served via first class mail, postage prepaid, to the following:

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/s/ Amy Galvin Grogan
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